UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,789	06/28/2001	Frank J. Ponzio, Jr.	4640-104	5974

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EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/894,789	PONZIO, JR., FRANK J.
	Examiner	Art Unit
	Ramy M Osman	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-70* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 February 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The replacement drawings were received on 2/21/2003. These drawings are accepted.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 1,19,37 and 54 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations fail to indicate the context of determining quality of data: what type of data; what is a receiver or data; how is the data received or retrieved; is the data transmitted over a network. The claim language is vague and indefinite and will be broadly interpreted as cited below.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-70 rejected under 35 U.S.C. 102(e) as being anticipated by Beall et al (US

Patent No 6,169,992).

6.   In reference to claims 1 and 19, Beall teaches a method and a system for determining

quality of content of data for a receiver of the data, the data having at least one record, the at

least one record having at least one data field, the method comprising the following steps:

        assessing the content of the data using a criteria (column 37 lines 45-67 and column 38

lines 29-34, Beall discloses assessing data using criteria such as attributes/guardrails);

        assigning a grade as a function of the criteria, the grade indicative of the quality of the

content of the data (column 39 lines 25-40, Beall discloses assigning attributes descriptive of

data);

        linking the grade to the content of the data (column 38 lines 35-67, Beall discloses

attributes of data); and

        wherein the receiver dynamically accesses the grade to determine subsequent use of the

data without having to access the data (column 37 lines 15-30 & 60-67 and column 38 lines 1-35,

Beall discloses accessing and viewing the attributes of the data without accessing the actual

data).

7.   In reference to claims 2 and 20, Beall teaches the method and system as recited in claims

1 and 19 wherein the step of linking further comprises associating a portion of a file name to the

grade (column 38 lines 35-67, Beall discloses attributes describing data).

8.   In reference to claims 3 and 21, Beall teaches the method and system as recited in claims

3and 21 wherein the filename corresponds to a file containing the data (column 39 lines 1-25).

9.   In reference to claims 4 and 22, Beall teaches the method and system as recited in claims

1 and 19 further comprising associating a grade file with the grade (column 39 lines 1-25).

10.   In reference to claims 5 and 23, Beall teaches the method and system as recited in claims

1 and 19 wherein the quality corresponds to a particular data field of the at least one data field

(column 37 lines 35-67).

11.   In reference to claims 6 and 24, Beall teaches the method and system as recited in claims

1 and 19 wherein the quality corresponds to a particular record of the at least one record (column

37 lines 35-67).

12.   In reference to claims 7 and 25, Beall the method and system as recited in claims 1 and

19 wherein a particular quality corresponds to a particular record of the at least one record

(column 37 lines 35-67).

13.   In reference to claims 8 and 26, Beall teaches the method and system as recited in claims

1 and 19 wherein a particular quality corresponds to a particular field of the at least one

particular field (column 37 lines 35-67).

14.   In reference to claims 9 and 27, Beall teaches the method and system as recited in claims

1 and 19 wherein the criteria for determining the quality is a predefined function (column 38

lines 1-40).

15.   In reference to claims 10 and 28, Beall teaches the method and system as recited in

claims 1 and 19 wherein the criteria for determining the quality uses access to a database(column

38 lines 1-40, Beall discloses querying a database).

16.   In reference to claims 11 and 29, Beall teaches the method and system as recited in

claims 1 and 19 wherein the criteria for determining the quality is an externally defined function

(column 38 lines 1-40, Beall discloses externally querying a database).

17.   In reference to claims 12 and 30, Beall teaches the method and system as recited in

claims 1 and 19 wherein the criteria for determining the quality uses access to an independent

database (column 38 lines 1-40, Beall discloses querying a database).

18.   In reference to claims 13 and 31, Beall teaches the method and system as recited in

claims 1 and 19 wherein the grade is numeric (column 37 lines 60-67, column 38 lines 35-40 and

column 39 lines 35-50).

19.   In reference to claims 14 and 32, Beall teaches the method and system as recited in

claims 1 and 19 wherein the grade is a color (column 38 lines 20-35 and column 39 lines 35-50).

20.   In reference to claims 15 and 33, Beall teaches the method and system as recited in

claims 1 and 19 wherein the grade is a Boolean (column 37 lines 60-67, column 38 lines 35-40

and column 39 lines 35-50).

21.   In reference to claims 16 and 34, Beall teaches the method and system as recited in

claims 1 and 19 wherein the step of linking further comprises associating the grade to a data set

(column 38 lines 1-60).

22.   In reference to claims 17 and 35, Beall teaches the method and system as recited in

claims 1 and 19 wherein the criteria for determining the quality is customized by the receiver

(column 38 lines 1-35, Beall discloses selecting quality attributes).

23.   In reference to claims 18 and 36, Beall teaches the method and system as recited in

claims 1 and 19 further comprising assigning a rating as a function of the grade (column 38 lines

35-67).

24.   In reference to claims 37 and 54, Beall teaches a method and a system for determining

and signaling content quality of preexisting data, to a digital receiver, the preexisting data having

at least one record, the at least one record having at least one data field, the method comprising:

        assessing the quality of the content of the preexisting data using one or more sets of

criteria (column 37 lines 45-67 and column 38 lines 29-34, Beall discloses assessing data using

criteria such as attributes/guardrails);

        assigning a grade indicative of the quality of the content of the preexisting data for at

least one of the sets of criteria (column 39 lines 25-40, Beall discloses assigning attributes

descriptive of data);

        marking the data with the assigned grade without changing the content of the data

(column 38 lines 35-67, Beall discloses attributes of data); and

        wherein the receiver dynamically accesses the marked grade to determine subsequent use

of the data without having to access the data (column 37 lines 15-30 & 60-67 and column 38

lines 1-35, Beall discloses accessing and viewing the attributes of the data without accessing the

actual data).

25.   In reference to claims 38 and 55, Beall teaches the method and system as recited in

claims 37 and 54 wherein the step of linking further comprises associating a portion of a file

name to the grade (column 38 lines 35-67, Beall discloses attributes describing data).

26.   In reference to claims 39 and 56, Beall teaches the method and system as recited in

claims 38 and 55 wherein the filename corresponds to a file containing the data (column 39 lines

1-25).

27.   In reference to claims 40 and 57, Beall teaches the method and system as recited in

claims 37 and 54 further comprising associating a grade file with the grade (column 39 lines 1-

25).

28.   In reference to claims 41 and 58, Beall teaches the method and system as recited in

claims 37 and 54 wherein the quality corresponds to a particular data field of the at least one data

field (column 37 lines 35-67).

29.   In reference to claims 42 and 59, Beall teaches the method and system as recited in

claims 37 and 54 wherein the quality corresponds to a particular record of the at least one record

(column 37 lines 35-67).

30.   In reference to claims 43 and 60, Beall the method and system as recited in claims 42 and

59 wherein a particular quality corresponds to a particular record of the at least one record

(column 37 lines 35-67).

31.   In reference to claims 44 and 61, Beall teaches the method and system as recited in

claims 43 and 60 wherein a particular quality corresponds to a particular field of the at least one

particular field (column 37 lines 35-67).

32.   In reference to claims 45 and 62, Beall teaches the method and system as recited in

claims 37 and 54 wherein the criteria for determining the quality is a predefined function

(column 38 lines 1-40).

33.   In reference to claims 46 and 63, Beall teaches the method and system as recited in

claims 37 and 54 wherein the criteria for determining the quality uses access to a

database(column 38 lines 1-40, Beall discloses querying a database).

34.   In reference to claims 47 and 64, Beall teaches the method and system as recited in

claims 37 and 54 wherein the criteria for determining the quality is an externally defined

function (column 38 lines 1-40, Beall discloses externally querying a database).

35.   In reference to claims 48 and 65, Beall teaches the method and system as recited in

claims 37 and 54 wherein the criteria for determining the quality uses access to an independent

database (column 38 lines 1-40, Beall discloses querying a database).

36.   In reference to claims 49 and 66, Beall teaches the method and system as recited in

claims 37 and 54 wherein the grade is numeric value, color or Boolean (column 37 lines 60-67,

column 38 lines 20-40 and column 39 lines 35-50).

37.   In reference to claims 50 and 67, Beall teaches the method and system as recited in

claims 37 and 54 wherein the step of linking further comprises associating the grade to a data set

(column 38 lines 1-60).

38.   In reference to claims 51 and 68, Beall teaches the method and system as recited in

claims 37 and 54 wherein the criteria for determining the quality is customized by the receiver

(column 38 lines 1-35, Beall discloses selecting quality attributes).

39.   In reference to claims 52 and 69, Beall teaches the method and system as recited in

claims 37 and 54 further comprising assigning a rating as a function of the grade (column 38

lines 35-67).

40.   In reference to claims 53 and 70, Beall teaches the method and system as recited in

claims 37 and 54 further wherein a different one of the sets of criteria for determining the quality

provides a different grade for the preexisting data (column 37 lines 45-67 and column 38 lines

35-67).

       Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

       Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
December 3, 2004

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